IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

1. C.A.NO.5119/05 IN F.A.NO.2367/05,
2. C.A.NO.5121/05 IN F.A.NO.2369/05
AND
3. C.A.NO.5455/05 IN F.A.NO.2368/05

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Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

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Mrs G.P.Mulekar, A.G.P for the Applicant in all Applications.
Shri S.G.Surana for the Respondents in all Applications.

CORAM : ABHAY S.OKA, J.
DATED : FEBRUARY 28, 2007.

P.C.:

1. Heard Advocates appearing for the parties. The acquisition relates to lands at Panvel, Taluka Panvel, District Raigad which were notified under section 4 of the Land Acquisition Act, 1894 on 03rd February, 1970 for the purpose of development of satellite city of Navi Mumbai.

2. Considering various decisions of Division Bench of this court, prima facie it appears to me that market value in the range of Rs.23/- to Rs.25/- per sq.meter has been awarded to similarly situated lands. In the present case, market value

at the rate of Rs.28/- per sq.meter has been awarded. Therefore, considering the peculiar facts of this case, the claimants will have to be permitted to withdraw a substantial amount without security. The Applicant has already deposited the compensation amount with the reference Court. Hence, Application is disposed of by passing following order:

(i) The claimant will be entitled to withdraw 75% of the total compensation amount without furnishing any security. The withdrawal of the said amount by the claimant will be subject to final outcome of the Appeal.

(ii) The balance 25% amount shall be permitted to be withdrawn by the claimant subject to furnishing adequate security or bank guarantee for the said amount with the reference Court. The reference Court will hear the Applicant before accepting the security/guarantee.

(iii) There will be no orders as to costs.

JUDGE